

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA :
vs. : CRIMINAL ACTION 09-00179-KD
ERIC SEBASTION BARROW :

ORDER

On March 8, 2010, Defendant filed a Fifth Motion to Continue Trial Setting (Doc. 47). As grounds for the motion, Daniel L. McCleave, counsel for Defendant, stated that he has requested permission for excess fees to engage a computer expert to assist in Defendant's defense. On December 10, 2009, Judge DuBose found that the expense appeared reasonable for the services to be provided and recommended to the Eleventh Circuit that the voucher be paid. To date, there has been no ruling from the Eleventh Circuit, thus prompting Defendant's Fifth Motion to Continue.

Prior to the pretrial conference this date, this Court contacted the Eleventh Circuit and was informed that the voucher could not be located. The Clerk requested that another copy be emailed to the Eleventh Circuit and it would be processed today. Judge DuBose's Memorandum, the CJA 21 Voucher, and the Affidavit of defense counsel were emailed promptly.

Under the circumstances, and after conferring with counsel at the pretrial conference this date, the Court is persuaded that the ends of justice outweigh the best interests of the public and

Defendant in a speedy trial. Accordingly, the trial is hereby **CONTINUED** to the **May 2010** criminal term, commencing with jury selection **at 8:45 a.m. on May 3, 2010**¹. Defendant is to file a written waiver of his speedy trial rights not later than **March 18, 2010**.

The Clerk is **DIRECTED** to refer this action to the appropriate Magistrate Judge for the scheduling of another pretrial conference.

DONE this 9th day of March, 2010.

s/BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE

¹The Court further finds that any delay resulting from this continuance is excludable for Speedy Trial Act purposes pursuant to 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).